



DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
P.O. BOX 889
SAVANNAH, GEORGIA 31402-0889

REPLY TO
ATTENTION OF:

SEP 22 2004

Regulatory Branch
200302300

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200302300

Applicant: Joseph H. Marshall III
Post Office Box 70967
Albany, Georgia 31708

Location of Proposed Work: The project site is located on the 52-acre tract known as Marshal Square, on the western side of North Belair Road, at latitude 33° 32' 40.52" north and longitude 82° 7' 34.88" west, in Evans, Columbia County, Georgia.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: The applicant proposes to impact waters of the United States in order to construct a mixed-use retail commercial development near the City of Augusta. The proposed project would impact 2,335 linear feet of intermittent stream. According to the applicant the only feasible alternative is to pipe the eastern and western segments of the existing intermittent stream for purpose of developing the entire site. In order to mitigate for the stream impacts, the applicant has proposed off-site stream enhancement and preservation. See the attached figures for proposed development and mitigation plans.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the Savannah District US Army Corps of Engineers, Regulatory Branch, 100 West Oglethorpe Avenue, Savannah, Georgia.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Review of the latest published version of the National Register of Historic Places indicates that there may be registered properties or properties listed as eligible for inclusion are located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work. The applicant may be required to conduct an intensive cultural resources survey for the identification of historic, historic architectural, or archaeological sites that are listed in, eligible for listing in, or which potentially may be eligible for listing in the National Register of Historic Places, pursuant to Section 106 of the National Historic Preservation Act, as amended through 1992, and the consideration of historic properties in the USACE permitting process. The results of the survey if conducted be coordinated with the Georgia Department of Natural Resources, Historic Preservation Division and the Georgia State Historic Preservation Officer (GASHPO), and consultation with the SHPO will be undertaken concerning the proposed undertaking's effects to any National Register-eligible historic property identified in the development tract.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Savannah District, Attention: Regulatory Branch, P.O. Box 889, Savannah, Georgia 31402-0889, no later than 30 days from the date of this notice. Please refer to the applicant's name and the application number in your comments.

If you have any further questions concerning this matter, please contact me at (912) 652-5348.


for Stanley J. Knight
Project Manager, Southern Section

Enclosures

1. Project Description
2. Location Maps (Figures 1 & 2)
3. Plan View Drawing (Figures 3-5)
4. Mitigation Site Maps (Figures 6-8)

2.0 PROJECT DESCRIPTION/REGULATORY HISTORY

Marshall Square is comprised of approximately 52 acres and is located in Evans, Georgia (Figure 2-1). The subject property is situated on the western side of the newly redirected North Belair Road, the major north/south artery in the Evans Town Center. The property is situated in close proximity to the county government center and county officials are encouraging the site's development to further enhance the county's tax base. Joe and Dan Marshall own the site. Joe Marshall is a small business owner and Dan Marshall is a retired Georgia DNR Regional Supervisor. Because of the identification of an intermittent creek running through the middle of the property, the owners retained Creative Environmental Solutions, Inc. (CES) and Environmental Audit & Assessment, Inc. (EAA) to secure an Individual Permit from the USACOE Savannah District. Also part of the design team is Southern Partners (Engineers and Planners) and D. C. Lawrence and Associates (developers). The developer is ready to begin once all plans, permits and approvals are in place. Columbia County has obtained the Right of Way for the North Belair Connector and will begin construction this year with a goal of completion during 2004.

The intermittent creek drains to a tributary of the Savannah River (Figure 2-2). The streambed bisects the property and appears to be a natural riparian corridor with hardwood vegetation (See Photographs Appendix A). Most of the water that enters the creek is the result of storm water runoff from the heavily urbanized areas adjacent to the property. In particular, storm water runoff from a parking area south of the site appears to be the reason why the creek has any water at all (Photos 1 and 2). The eastern segment of the creek contains a dam that has been constructed to provide access to the southern reaches of the tract (Photo 3). As a result of the construction of the dam, a pond formed in the middle of the property. The pond is currently overgrown by invasive wetlands species (Photos 4 and 5). The western segment of the creek originates in a farm pond, which was constructed 20-30 years ago. The creek in this area of the property discharges into a pipe, which conveys water to the main channel or eastern segment (Photo 6).

In February of 2003, EAA conducted a USACOE jurisdictional determination of the eastern segment of the creek. In a follow up letter dated March 3, 2003, USACOE stated that the survey submitted was an accurate depiction of the jurisdictional wetland boundary as verified by a site visit on February 26, 2003 by David Crosby of USACOE, Savannah District (Figure 2-4 and Appendix B). Since completion of the survey, the owners have expanded the development area to include more property and the western segment of the creek. Although this area has not been verified by representatives of the USACOE, the character, areal extent, topography and general condition of this segment is almost identical to the eastern segment.

3.0 PROPOSED DEVELOPMENT

The proposed development, "Marshall Square," will be developed as a mixture of retail specialty shops, grocery store, paved parking and storm water detention facilities (Figure 3-1). The developer proposes to pipe the eastern and western segments of the existing intermittent stream under the developed area. The piping has been sized to accommodate the volume of water flowing onto the site from the south and the anticipated storm water flows from the development. The off-site flows and storm water from the development will be collected, detained and released

by structural storm water control as required by Columbia county and the Georgia Environmental Protection Division. By allowing the same amount of water to flow offsite in the developed condition, no adverse impacts associated with hydrological interruption are anticipated.

4.0 PROPOSED STREAM IMPACTS

As a consequence of the proposed development, 2,335 linear feet of intermittent stream will be piped through the site (Figure 3-1). Because of the location of the creek, it is not feasible to relocate the feature or to avoid the impact. To accurately assess the anticipated adverse impacts, CES conducted site inspections and analyzed topographic maps, soil maps, and color infrared air photographs. This information was used to complete Worksheet 1: “Adverse Impact Factors For Riverine Systems” as presented in the USACOE Savannah District Standard Operating Procedure (SOP) dated March 2004 (Appendix C).

As shown in the completed SOP worksheet, the stream was determined to be intermittent, as confirmed by David Crosby of USACOE. Because of the site’s location, the “priority area” was rated as “tertiary” and the “existing condition” was assessed as “somewhat impaired.” It appears that the creek is incised and devoid of wetland vegetation along its bank and bottom (Photos 7-9). Although not specifically calculated, flow velocities in the creek are assumed to be high given the nature of the scour and absence of vegetation. As a result of an in-depth analysis of the ecological condition of the site and the SOP calculations, 11,813 mitigation credits are required to offset the proposed stream impacts.

5.0 PROPOSED STREAM MITIGATION PLAN

To offset the anticipated adverse impacts associated with the project, CES and EAA propose to conduct the necessary stream mitigation off-site. A combination of stream channel enhancement and preservation is proposed. The enhancement will occur on property owned by Plum Creek Timberlands, LLC. The preservation will be accomplished by donation to the Georgia Wetland Trust Fund. As required in the USACOE Savannah District Stream Impact SOP, at least 50% of the mitigation will be the result of the enhancement project.

The stream channel enhancement site is located in Screven County Georgia in the Lower Savannah River Basin (Figure 5-1). The proposed mitigation area (approximately 725 acres) is located directly west of the Tuckahoe Wildlife Management Area (Figure 5-2). The mitigation site has been in silvicultural rotation for many years, probably since the early 20th century. Prior to Plum Creek’s ownership, several culverts, roads, and ditches were installed to facilitate timber harvesting. In an effort to drain portions of a large hardwood wetland and creek system, the previous owners constructed a 10-30 foot wide drainage ditch and channel through the middle of the system (Figure 5-3). The result of this structural alteration has been the continual decline of wetland species adjacent to the channel and the succession of the system into a more transitional hardwood swamp. Cypress and tupelo have been replaced with drought tolerant species such as red maple and sweet gum. Additionally, since water levels have been manipulated, very little cypress and tupelo re-generation is seen within the wetland adjacent to the creek.

Flow rates through the area are substantial as evidenced by the presence of two four-foot tall culverts under Brannen's Bridge Road. Culverts that were placed in the property's interior are also substantial ranging from 24 inches to double 18-inch pipes in more than one crossing location (Figure 5-4). As a result of recent site inspections, it has been determined that many of the existing on-site culverts have been placed too low and are draining water from the site at an above normal rate.

To restore the ecological integrity of the large interior wetland system, several structural "fixes" will be implemented. The credit value of the proposed improvements to the existing system were calculated using the USACOE SOP, entitled "Stream Channel Restoration, Stream Relocation, and Streambank Restoration Worksheet" as shown in Appendix D. As a result of the proposed restoration of the creek and wetland system, 5,940 credits are anticipated to be generated; these credits will be generated as follows:

First, two culverts will be replaced with low water crossing at the locations shown in Figure 5-4. A conceptual plan view of the type of structure to be installed is shown in Figure 5-5. The structure will be constructed so that water levels in excess of seasonal high water elevations (SHWE) will be allowed to flow through the system uninterrupted. Each low water crossing is anticipated to influence 350 linear feet of stream.

In conjunction with the replacement of the culverts with low water crossings, the applicant will install two earthen weirs in the locations shown in Figure 5-4. The weirs will be constructed in a manner similar to the cross section and plan view shown in Figure 5-6. The purpose of the weirs is to impound water up to the SHWE thus allowing a more natural flow of runoff through the interior of the wetland. The frequency and duration of high water events will be manipulated to allow for seasonal flooding. It is anticipated that this flooding will allow high water to pond near the edges of the system. This will effectively eradicate most of the red maple and sweet gum allowing for the re-generation of cypress and tupelo. Each weir is anticipated to enhance 450 linear feet of stream.

As a result of the combination of the proposed enhancement efforts, 5,940 credits are anticipated to be generated. The balance of the credits required (5,873) for the project will be obtained from a donation to the Georgia Wetland Trust Fund and by preserving 2,715 linear feet of stream within the same drainage basin. The preservation site, which is also owned by the applicant, is a heavily wooded section of the creek further downstream (Figure 5-7 and 5-8). The preservation will be by a fee simple donation to Columbia County, which will manage the property long-term. As part of the legal documentation for the preservation deal, the county will maintain a 100-foot buffer on either side of each segment of creek through the property. Presently, the county has plans to develop a Pocket Park on the site.